

REMARKS

The specification has been amended to make editorial changes to place the application in condition for allowance at the time of the next Official Action.

Claims 1-11 were previously pending in the application. Claims 1-11 are cancelled and new claims 12-27 are added. The new claims are believed to address the claim objections noted in the Official Action.

Claims 1-4 and 11 are rejected as anticipated by POZIN et al. EP 0 997 582.

Reconsideration and withdrawal of the rejection are respectfully requested because the reference does not disclose or suggest first and second elongate corrugated sides set at an acute angle to each other as recited in new claim 12 of the present application.

As seen in Figures 1 and 3 of POZIN et al., for example, the sides 1e are planar, not corrugated. As the reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

New claims 13-21 depend from claim 12 and further define the invention and are also believed patentable over POZIN et al. In addition, the dependent claims include features not disclosed by POZIN et al. Claim 15 provides that there is a gap between two securing devices so as to enable each of the two

securing devices to individually absorb impact energy before the two securing devices act together to absorb the impact energy when one of the two securing devices are struck by an object.

Claim 19 provides that the device includes means for increasing the adherence of the securing device to a road surface. Claim 20 provides that the means for increasing the adherence is a plurality of non-slipping skids and claim 21 provides that the skids are an elastomer material. None of these features are disclosed or suggested by POZIN et al.

New claim 22 provides first and second continuous ridged elongate sides. The sides of POZIN et al. are neither ridged nor continuous. As set forth above, the sides 1e are planar. The side of POZIN et al. also include a plurality of access holes that break up the continuity of the sides.

In addition, claim 22 also provides a plurality of intermediate elements having a shape matching the cross section of said first and second end elements and connected between said first and second elements and connected to an inner surface of said elongate sides. Claim 22 further provides a plurality of non-skid elements connected to at least one of the first and second end surfaces and the intermediate elements so that the plural non-skid elements are between the first and second end surfaces or the intermediate element and a road surface. These features are absent for POZIN et al.

New claim 27 includes first and second elongate sides having at least two grooved elements connected to each other in a length direction. Claim 27 also provides that there is a gap between first and second securing elements when the first and second securing elements are in a second position. POZIN et al. do not teach or suggest these features. Accordingly, new claims 12-27 are believed patentable over POZIN et al.

Claims 1-3 and 11 are rejected as anticipated by GIROTTI 5,046,884.

Reconsideration and withdrawal of the rejection are respectfully requested because the reference does not disclose or suggest first and second elongate corrugated sides set at an acute angle to each other as recited in new claim 12. In addition, GIROTTI fails to disclose or suggest first and second end elements enclosing respective first and second ends of the first and second sides to form a hollow essentially trapezoid shaped securing device as further recited in claim 12. Claim 12 also provides that a face of a first end element has a plurality of male linking elements and a face of the second end element has a plurality of female linking elements.

Figure 1 of GIROTTI, for example, shows a solid concrete barrier 4 having smooth sides. The barrier has a single T-shaped male member that fits into a single trough shaped female member. As the reference does not disclose that which is recited, the anticipation rejection is not viable.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 13-21 depend from claim 12 and further define the invention and are also believed patentable over GIROTTI.

In addition, the dependent claims include features not disclosed or suggested by GIROTTI. Claim 15 provides that there is a gap between two securing devices so as to enable each of the two securing devices to individually absorb impact energy before the two securing devices act together to absorb the impact energy when at least one of the two securing devices are struck by an object.

Claim 19 provides that the device further includes means for increasing the adherence of the device to a road surface. Claim 20 provides that the means for increasing the adherence is a plurality of non-slipping skids. Claim 21 provides that the skids are an elastomer material. None of these features are disclosed or suggested by GIROTTIN and thus these claims are believed patentable regardless of patentability of the claims from which they depend.

New claim 22 provides a plurality of steel securing elements, each of the elements comprise first and second continuous ridged elongate sides. Claim 22 also includes a plurality of intermediate elements having a shape matching a cross section of the first and second end elements and connected between the first and second end elements and connected to an

inner surface of the elongate sides. Claim 22 further provides a plurality of non-skid elements connected to the first and second end surfaces or an intermediate element.

As set forth above, GIROTTI is a concrete barrier with smooth sides. GIROTTI is formed in a mold and does not include any intermediate elements. As set forth above with respect to claims 19-21, GIROTTI does not disclose or suggest non-skid elements.

New claim 27 provides a plurality of essentially trapezoid shaped steel securing elements, each of the securing elements comprise first and second elongate sides having at least two grooved elements connected to each other in a length direction. Claim 27 also provides that there is a gap between the first and second securing elements when the first and second securing elements are in a second position.

GIROTTI teaches a concrete barrier having smooth sides. In addition, GIROTTI teaches a single male and a single female linking element. Further, GIROTTI does not disclose or suggest a gap between first and second securing elements when the first and second securing elements are in the second position. As the reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 4 is rejected as unpatentable over GIROTTI in view of SCHROUGHAN 4,844,652. This rejection is respectfully traversed.

SCHROUGHAN is only cited for the teaching of a plurality of male and female connectors in adjacent barriers. SCHROUGHAN does not teach or suggest first and second elongate corrugated sides set at an acute angle to each other as recited in claim 12. In addition, SCHROUGHAN does not teach or suggest a hollow essentially trapezoidal element as further recited in claim 12. SCHROUGHAN also does not teach or suggest a plurality of steel securing elements having first and second continuous ridged elongate sides as recited in claim 22.

SCHROUGHAN also does not suggest a plurality of unaligned male linking elements and a plurality of unaligned female linking elements as further recited in claim 22. In addition, SCHROUGHAN does not teach or suggest either a plurality of intermediate elements or a plurality of non-skid elements as additionally recited in new claim 22.

SCHROUGHAN fails to teach or suggest a plurality of essentially trapezoid shaped steel securing elements as recited in new claim 27. SCHROUGHAN also fails to suggest first and second elongate element sides having at least two grooved elements connected to each other in length direction as further recited in claim 27. SCHROUGHAN also fails to suggest that there is a gap between first and second securing elements when the

first and second securing elements are in a second position as also recited in new claim 27.

As set forth above, GIROTTI does not disclose or suggest what is recited in any of independent claims 12, 22 or 27. Accordingly, the proposed combination of GIROTTI and SCHROUGHAN would not render obvious new claims 12-27 of the present application.

By way of further explanation, an objection of the present invention is to provide a gap between connected securing elements to enable each elongated element to first work individually before the second element is dragged with the first element when an object impacts one of the elements. The object of the references is to provide a stable and rigid barrier wherein each of the parts work in conjunction at all times and do not allow individual parts to work first before the weight of the second part is used to absorb the impact energy.

Accordingly, it is believed that the new claims avoid the rejections under §§102 and 103 and are allowable over the art of record.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



---

Liam McDowell, Reg. No. 44,231  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

LM/lk